

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

JUSTEN GRANT HALL,	§	
	§	
	§	
Petitioner,	§	
	§	
V.	§	
	§	CIVIL NO. 3:10-cv-00135-FM
	§	
WILLIAM STEPHENS,	§	
Director, Texas Department of	§	
Criminal Justice, Correctional	§	
Institutions Division,	§	
	§	
Respondent.	§	
	§	

UNOPPOSED MOTION TO WITHDRAW

TO THE UNITED STATES DISTRICT JUDGE:

David R. Dow, lead counsel for Petitioner Justen Grant Hall respectfully asks the Court to allow him to withdraw and to appoint other counsel to represent Mr. Hall.

Undersigned counsel was appointed to represent Mr. Hall, who is indigent, on September 30, 2011. ECF No. 50. This is a post-conviction federal habeas proceeding in a case in which the defendant was sentenced to death. There are currently no pending deadlines in Mr. Hall's case.

Mr. Hall has requested that counsel cease representing him because of a decision issued by the Texas Court of Criminal Appeals (CCA). *See In re Dow & Newberry*, Nos. WR-61,939-01, WR-61,939-02 (Tex. Crim. App. Jan. 14, 2015) (CCA acted to "suspend" Dow for one year from practicing before it without leave). Although Mr. Dow is contesting the authority of the CCA to issue such a sanction, and although the CCA has permitted Dow to continue representing the clients he has been appointed to represent, and although neither any other state court nor any federal court has imposed reciprocal discipline, Mr. Hall nevertheless wishes that Mr. Dow withdraw. A letter from Mr. Hall requesting Counsel withdraw is attached as Exhibit A.

Counsel's withdrawal will not cause any delay in federal habeas proceedings. In addition, Mr. Hall's co-counsel, Mr. Goutam Patnaik and Mr. William Cravens, also appointed pursuant to 18 U.S.C. section 3599, have not requested to withdraw and will continue to serve as Mr. Hall's federal counsel. Accordingly, Counsel respectfully requests that this Court permit him to withdraw from further representation of Mr. Hall.

Respectfully submitted,

s/ David R. Dow

David R. Dow

Texas Bar No. 06064900
University of Houston Law Center
100 Law Center
Houston, TX 77204-6060
Tel. (713) 743-2171
Fax (713) 743-2131

CERTIFICATE OF SERVICE

On May 21, 2015, I electronically filed the foregoing with the Clerk of the Court for the U.S. District Court, Western District of Texas, using the *CM/ECF* system, which will send notification of such filing to all counsel of record.

s/David R. Dow

David R. Dow

CERTIFICATE OF CONFERENCE

On May 20, 2015, the undersigned counsel conferred with opposing counsel, Thomas Jones, concerning the relief sought in this Motion, and was advised that opposing counsel was unopposed to this Motion.

s/David R. Dow

David R. Dow

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Proposed ORDER

Petitioner Justen Hall's unopposed Motion to Withdraw, having been duly considered, is GRANTED.

The Court hereby grants David R. Dow permission to withdraw pursuant to Mr. Hall's request. The Court will subsequently appoint new lead counsel to represent Mr. Hall in any subsequent litigation.

Signed on this, the _____ day of _____ 2015

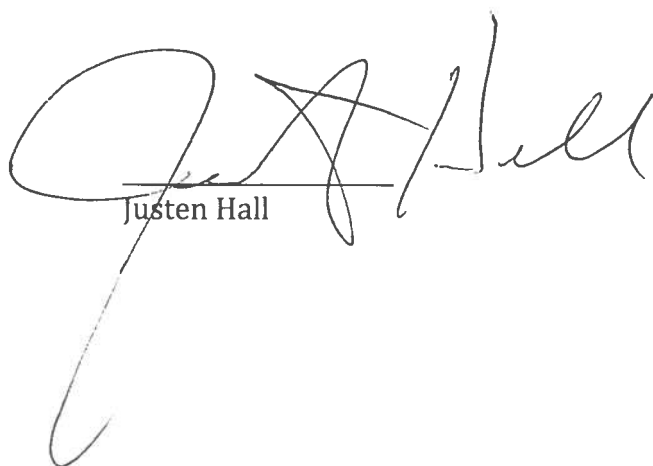
United States District Judge

EXHIBIT

A

To whom it may concern,

In view of the Texas Court of Criminal Appeals Decision *In re David Dow and Jeffery R. Newberry*, I no longer wish to be represented by David R. Dow and authorize him to withdraw from my case.



Justen Hall